

July 12, 2019

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Second Amended Civil Case Management Plan and Scheduling Order entered in this action (“Scheduling Order”) (ECF No. 1014), Plaintiffs and Credit Suisse Securities (USA) LLC, Credit Suisse Group AG, and Credit Suisse AG (“Credit Suisse”) submit this joint status letter.

I. Pending Motions

Plaintiffs’ motion for class certification is fully briefed and is pending. Credit Suisse’s motion to exclude Plaintiffs’ experts Robin Poynder, Hal J. Singer, Ph.D, and Professors Geir Høidal Bjønnes and Alexander Ljungqvist is fully briefed and is pending. On March 21, 2019, the parties submitted a joint letter to the Court advising that, should the Court be inclined to hold oral argument on these motions, the parties are prepared to appear at a status conference to address: (i) the Court’s preference for any hearing(s) on such motions; (ii) the content, format, and duration of such hearing(s); and (iii) the potential involvement of live testimony, including expert witnesses, at such hearing(s). *See* ECF No. 1247.

II. Discovery

A. Depositions

Depositions of fact witnesses not affected by the DOJ stay remain ongoing with trader depositions planned or taking place in the United States, Europe, and Australia.

B. Credit Suisse

Audio: On September 10, 2018, the parties reached an agreement on cost sharing in connection with the restoration of the audio production files. Credit Suisse has substantially completed the audio restoration process. On May 16, 2019, the parties reached an agreement regarding indexing of the audio files and the use of phonetic search terms. Credit Suisse expects to begin its rolling production of audio files on July 31, 2019.

Honorable Lorna G. Schofield
July 12, 2019
Page 2

III. Appeal of Order on Attorneys' Fees

On December 7, 2018, objector Keith Kornell ("Kornell") filed a notice of appeal of the Court's November 8, 2018 Opinion and Order granting attorneys' fees to Class Counsel. On April 2, 2019, appellant Kornell filed his opening appeal brief. On May 14, 2019, plaintiffs-appellees filed their opposition brief. Kornell did not file a reply brief and the appeal is now fully briefed. Oral argument on the appeal has not been ordered or scheduled.

IV. Next Joint Status Letter

The parties will submit their next joint status letter on Friday, September 13, 2019.

Respectfully submitted,

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